IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 926 of 2004

Vishnu Narayan Nikam and Ors... Appellants

V/s

Bajirao Narayan Nikam and Ors. ..Respondents

Nayna Thatte i/b Ambar Joshi for Appellants

Shri Bobde for Respondent

CORAM:S.R.SATHE,J.

DATED:20th Dec. 2006

P.C.:-

1. Heard the learned Advocates for the Appellants as well as Respondents.

2. Plaintiffs had filed the suit for partition and separate possession against the real brothers and sisters. It is the contention of the Appellants that the suit properties are self acquired properties. It was also contended that in order to purchase the said properties loan was obtained by the plaintiffs from his near relatives and some evidence with regard to that is

adduced.

3. However, both the courts below have negatived the said evidence and have held that there is no material on record to show that four properties disputed by the defendants are self acquired properties of the defendants. Naturally considering the relationship between the parties holding that suit properties are joint family properties of the plaintiffs and defendants. The trial Court decreed the suit for partition. The said decree has been confirmed by the first appellate court. There is nothing on record to indicate that the appreciation of the evidence by the Courts below is perverse or that they have not taken into consideration any material evidence. There is no substantial question of law involved in the appeal. Hence the appeal is dismissed in limine.

(S.R.SATHE,J.)